

Remarks

The Office Action of May 3, 2006 has been carefully reviewed and considered. The Office Action indicates that claims 1-4 are pending in the application, and stand rejected.

Applicant respectfully notes that claims 1-4 were canceled in the Preliminary Amendment submitted on September 22, 2004. New claims 5-11 were added at that time. In light of the foregoing, Applicant respectfully submits that the rejection of claims 1-4 under 35 USC §112 are moot. Also, the rejections of claims 1 and 2 under 35 USC §103(a) over United States patent number 4,542,883 to Rutzki (*hereinafter* Rutzki) and of claims 3 and 4 under 35 USC §103(8) over Rutzki in view of United States patent application number 6,769,155 to Hess (*hereinafter* Hess) are also moot. Accordingly, Applicant respectfully requests that the present Office Action be withdrawn and that the claims now in the application be duly examined.

In order to more clearly define the invention, Applicant now amends claims 5 and 11 and submits new claims 12-22. Accordingly, claims 5-22 are now pending in the application.

Applicant's representative has carefully reviewed the references now of record and believes that claims presently in the application are patentably distinguishable over the teachings of those references, whether taken alone or in combination. Consequently, all claims in the application are in immediate condition for allowance. Accordingly, allowance of the pending claims and passage of this application issue is earnestly solicited.

A petition for a two month extension of time is transmitted herewith, along with the requisite fee. If required, the Commissioner is hereby petitioned, under 37 C.F.R. § 1.136 (a), to extend the time for filing a response to an outstanding Office Action, or any communication filed in this application by this firm, by the number of months which will avoid abandonment under 37 C.F.R. § 1.135.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (617) 868-8871 in Cambridge, Massachusetts. The Commissioner is hereby also authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 50-3950 of Bergman & Song LLP, under Order No. T1000-0001-P001.

Dated: OCT 03 2006

Respectfully submitted,

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